



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 8, 2012

Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 2-2209B (Wootan) and 2-10196 (Glenn)

Dear Judge Wildman:

As part of the settlement of litigation involving Cottonwood Canal Company's and Black Mesa's water rights, the Idaho Department of Water Resources agreed to remove the following combined use condition based upon additional information provided by the litigants:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208 AND 2-10209.

A partial decree was issued for water right no. 2-2209B on June 15, 2009 and 02-10196 on June 29, 2009. The partial decrees contained the above referenced combined use condition. Because the Department agreed to remove the 90.24 cfs combined use limit on certain rights in the list, the combined use limit on the other rights does not make sense and could cause confusion in the future.

In an effort to avoid confusion, the Department requests that the Court remove the combined use limit language shown above from the partial decrees for water right nos. 2-2209B and 2-10196. Please see attached proposed recommendations. The Department has notified the water right holders' representatives and they have indicated support for this proposal.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter'.

GARRICK L. BAXTER
Deputy Attorney General
Idaho Department of Water Resources

Enclosure

cc: Michael Lawrence, Attorney for Black Mesa Farms LLC
Eleanor Glenn (c/o Robert Glenn)

08/08/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10196

NAME AND ADDRESS: ELEANOR L GLENN
C/O ROBERT J GLENN
PO BOX 838
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.030 CFS
5.00 AFY

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103,
2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B,
2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, &
2-10209.~~

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T05S R10E S12 SWNESE Lot 7 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS 5.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S32 Lot 1 NENE 1.50

1.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of Transfer 68552 is
cause for the Director to rescind approval of the transfer.

Approval of Transfer 68552 does not grant any right-of-way or easement
for use of a delivery system owned by person(s) other than the right
owner.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 2-10190.

After specific notification by the Department, the right holder shall install a
suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than
0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for
irrigation of the lands above.

08/08/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-2209B

NAME AND ADDRESS: BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY ID 83623

BRENDA BRYANT
PO BOX 215
GLENN'S FERRY ID 83623

WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY ID 83623

DON J BRYANT
PO BOX 215
GLENN'S FERRY ID 83623

CHRISTINE W WOOTAN
PO BOX 636
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.800 CFS
2,142.00 AFY

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021,
AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C,
2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.~~

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T06S R11E S9 NWSW Lot 6 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	12.800 CFS 2,142.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ELMORE County

T06S R10E S01	NESW	35.00	T06S R10E S01	SWSW	39.00
T06S R10E S01	SESW	40.00	T06S R10E S01	NWSE	30.00
T06S R10E S01	SWSE	40.00	T06S R10E S01	SESE	30.00
T06S R10E S02	SESE	39.00	T06S R10E S11	NENE	40.00
T06S R10E S11	SWNE	40.00	T06S R10E S11	SENE	39.00
T06S R10E S11	NESW	40.00	T06S R10E S11	NWSW	40.00
T06S R10E S11	SWSW	40.00	T06S R10E S11	SESW	40.00
T06S R10E S11	NESE	39.00	T06S R10E S11	NWSE	40.00
T06S R10E S11	SWSE	40.00	T06S R10E S11	SESE	40.00
T06S R10E S12	NENE	40.00	T06S R10E S12	NWNE	40.00

T06S R10E S12	SWNE	40.00	T06S R10E S12	SENE	40.00
T06S R10E S12	NENW	40.00	T06S R10E S12	NWNW	39.00
T06S R10E S12	SWNW	39.00	T06S R10E S12	SENW	40.00
T06S R10E S12	NESW	40.00	T06S R10E S12	NWSW	39.00
T06S R10E S12	SWSW	38.00	T06S R10E S12	SESW	21.00
T06S R10E S12	NESE	40.00	T06S R10E S12	NWSE	40.00
T06S R10E S12	SWSE	39.00	T06S R10E S12	SESE	39.00
T06S R10E S13	NENE	39.00	T06S R10E S13	NWNE	39.00
T06S R10E S13	SWNE	40.00	T06S R10E S13	SENE	40.00
T06S R10E S13	NENW	39.00	T06S R10E S13	NWNW	39.00
T06S R10E S13	SWNW	40.00	T06S R10E S13	SENW	40.00
T06S R10E S13	NESW	40.00	T06S R10E S13	NWSW	40.00
T06S R10E S13	NESE	40.00	T06S R10E S13	NWSE	40.00
T06S R10E S13	SWSE	40.00	T06S R10E S13	SESE	40.00
T06S R10E S14	NENE	40.00	T06S R10E S14	NWNE	40.00
T06S R10E S14	SWNE	40.00	T06S R10E S14	SENE	40.00
T06S R10E S14	NENW	40.00	T06S R10E S14	NWNW	40.00
T06S R10E S14	SWNW	40.00	T06S R10E S14	SENW	40.00
T06S R10E S14	NESW	39.00	T06S R10E S14	NESE	39.00
T06S R10E S14	NWSE	30.00	T06S R10E S24	NENE	40.00
T06S R10E S24	NWNE	39.00	T06S R10E S24	SWNE	40.00
T06S R10E S24	SENE	40.00	T06S R10E S24	NESE	40.00
T06S R10E S24	NWSE	40.00	T06S R11E S06 Lot 7	SWSW	10.00
T06S R11E S07	NENE	25.00	T06S R11E S07	NWNE	25.00
T06S R11E S07	SWNE	40.00	T06S R11E S07	SENE	40.00
T06S R11E S07	NENW	30.00	T06S R11E S07 Lot 1	NWNW	37.00
T06S R11E S07 Lot 2	SWNW	37.00	T06S R11E S07	SENW	40.00
T06S R11E S07	NESW	40.00	T06S R11E S07 Lot 3	NWSW	38.00
T06S R11E S07 Lot 4	SWSW	37.00	T06S R11E S07	SESW	39.00
T06S R11E S07	NESE	40.00	T06S R11E S07	NWSE	40.00
T06S R11E S07	SWSE	39.00	T06S R11E S07	SESE	40.00
T06S R11E S17	NWNW	40.00	T06S R11E S17	SWNW	40.00
T06S R11E S17	NWSW	40.00	T06S R11E S18	NENE	38.00
T06S R11E S18	NWNE	39.00	T06S R11E S18	SWNE	40.00
T06S R11E S18	SENE	39.00	T06S R11E S18	NENW	39.00
T06S R11E S18 Lot 1	NWNW	37.00	T06S R11E S18 Lot 2	SWNW	38.00
T06S R11E S18	SENW	40.00	T06S R11E S18	NESW	40.00
T06S R11E S18 Lot 3	NWSW	38.00	T06S R11E S18 Lot 4	SWSW	38.00
T06S R11E S18	SESW	40.00	T06S R11E S18	NESE	40.00
T06S R11E S18	NWSE	40.00	T06S R11E S18	SWSE	40.00
T06S R11E S19 Lot 1	NWNW	39.00	T06S R11E S19 Lot 2	SWNW	39.00

T06S R11E S19 Lot 3 NWSW 39.00

3948 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 640 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 02-2209.

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.